

Attorney's Docket: 2002CH204
Serial No.: 10/526,721

REMARKS

The Office Action mailed May 29, 2007, has been carefully considered together with each of the references cited therein. The amendments and remarks presented herein are believed to be fully responsive to the Office Action. The amendments made herein are fully supported by the Application as originally filed. No new matter has been added. Accordingly, reconsideration of the present Application in view of the above amendments and following remarks is respectfully requested.

CLAIM STATUS

Claims 1-14 and 16-23 are pending in this Application. By this Amendment, Applicant has amended claims 1 and 21 through 23. Claim 4 has been cancelled.

Claim Rejections Under 35 USC § 103

Claims 1-8, 10, 12, 4 and 17-23 stand rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 5,175,751 to Findley, in view of JP Publication No. 73004462 to Furukawa. This rejection is respectfully overcome.

Concerning all independent claims, Applicant has added the phrase, "wherein the pellets or micro pellets have substantially equal electrostatic properties." This added language was the subject matter of now cancelled claim 4.

On page 4 of the Office Action, the Office states, "regarding claim 4, Findley discloses the concentrate containing anti-stat additives (column 11, lines 40-50)." As stated in column 11, lines 43-50, Findley states that the following:

MOLD-WIZ a trademark of Axel Plastics Company Woodside, N.Y., can be substituted for pigment and added to the carriers above as an anti-stat. Such a component reduces static electricity in the finished product. For example, anti-stat pellets and color concentrate pellets could be mixed and processed with natural resin pellets to produce colored finished products with reduced static electricity properties.(underlining added)

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It is clear from reading Findley that there are two separate pellets described therein, namely, one containing the anti-stat and the other containing the color concentrate, which are subsequently mixed to produce a finished product. This is directly antithetical to that which Applicant is claiming, specifically, pellets or micro pellets wherein the single pellet or micro pellets contain a color concentrate and have substantially equal electrostatic properties. Findley does not invite any teaching, motivation or suggestion for one with ordinary skill in the art to arrive at the conclusion that a pellet or micro pellet can be successfully made employing anti-stats and color concentrates together.

Moreover Furukawa can not remedy the deficiency in Findley as Furukawa does not speak at all to pellets or micro pellets possessing both anti-stat and colorant properties.

For at least this reason, it is respectfully contended that claims 1-8, 10, 12, 4 and 17-23 are not made obvious by any combination of Findley in view of Furukawa.

Claim 9 stands rejected under 35 USC § 103(a) as being unpatentable over combined teaching of U.S. Patent No. 5,176,751 to Findley and JP Publication No. 73004462 to Furukawa, in view of U.S. Patent Publication No. 2002/0198122 to Nitzsche et al.

As claim 9 depends from claim 1, for at least the reasons espoused above with respect to the § 103 rejection of Findley in view of Furukawa, it is respectfully contended that claim 9 is not made obvious by Findley, Furukawa and Nitzsche et al., either alone or in combination.

Claims 11 and 13 stand rejected under 35 USC § 103(a) as being unpatentable over the combined teaching of U.S. Patent No. 5,176,751 to Findley and JP Publication No. 73004462 to Furukawa, in view of U.S. Patent No. 6,224,799 to Gould.

Claims 11 and 13 depend directly or indirectly from claim 1, and for at least the reasons advanced with respect to the § 103 rejection of claim 1 in view of Findley in view of Furukawa, it is respectfully contended that claims 11 and 13 are not made obvious by Findley, Furukawa, and Gould, either alone or in combination.

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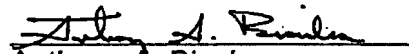
Claim 16 stands rejected under 35 USC § 103(a) as being unpatentable over the combined teachings of U.S. Patent No. 5,176,751 to Findley and JP Publication No. 73004462 to Furukawa, in view of U.S. Patent No. 3,778,288 to Ridge et al.

Claim 16 depends from claim 1, and for at least the reasons advanced with respect to the rejection of claim 1 under 35 USC § 103 over Findley in view of Furukawa, it is respectfully contended that claim 16 can not be made obvious by Findley, Kurukawa and Ridge et al., either alone or in combination.

In view of the foregoing amendments and remarks, it is respectfully contended that the 35 USC § 103 rejections have been overcome. In consequence, Applicant respectfully requests reconsideration and withdrawal of the rejections.

The present Application is now believed to be in condition for allowance, and reconsideration of it is requested. If the Examiner disagrees, please contact the attorney for Applicant at the telephone number provided below.

Respectfully submitted,


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